

ENFORCEMENT ACTION FOR COUNCILS

Your local district council has powers to take enforcement action against a landlord or agent who fails to carry out her/his legal obligations.

Private Tenancies (Northern Ireland) Order (2006) (PTO)

Article	Description	Extent of Enforcement Action
4	Statement of Tenancy Terms	If the landlord fails to provide a tenant with a statement of the terms of the tenancy, s/he will be guilty of an offence and may be prosecuted by the district council under Article 4(5) of the Order
5	Rent books	All private tenants have a legal right to a rent book. Councils have the power under Article 5(4) to take legal action if this is not complied with.
5B	Tenancy deposit protection	Any deposits paid since 1 April 2013 must be protected in an approved tenancy deposit scheme. It is an offence to fail to protect the deposit within 14 days of receiving it or to fail to provide the tenant with certain prescribed information relating to the deposit with 28 days of receiving it. Councils can issue a fixed penalty or prosecute landlords who fail to comply.
24	Offence of failing to comply with Notice of Unfitness or Notice of Disrepair	It is an offence not to carry out repair works specified within a notice of unfitness or notice of disrepair. Article 24(1) gives the councils the power to take legal action.
28	Obstruction	Where the district council or anyone authorised by the council is obstructed from trying to perform its duties, an offence will have been committed.
33	Landlord's application to have dwelling house inspected	Article 33 (5) enables a district council to take legal action if a landlord fails to apply for a certificate of fitness
50	Rent in excess of rent limit to be irrecoverable by landlord	Article 50(2)&(3) states that a landlord is guilty of an offence if the rent book shows the tenant to be in arrears because of rent which is in excess of the rent limit and that the entry should be removed within 7 days of being requested by the tenant.
65	Information as to ownership of dwelling houses	Article 65 provides that district councils may request from the occupier/owner details of those with an interest in the property in order that the council can serve a notice. Under Article 65(1), it is an offence not to provide or knowingly give wrong information to the council.
65 A	Landlord registration	If a landlord of a private tenancy fails to register certain details with a central database, he or she has committed an offence and may be issued with a fixed penalty or prosecuted by the council.
66	Service of notices on landlord's agents	Under Article 66(3), it is an offence if the agent fails to provide landlord contact details, if requested by the district council or the tenant.
1(2) of Schedule 2	Consideration of determinations by rent assessment committees	Landlord or tenant is guilty of an offence if they fail to provide information as requested by a rent assessment committee

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Rent (Northern Ireland) Order 1978

Article	Description	Extent of Enforcement Action
54 as amended by Art 60 of the PTO	Unlawful eviction and harassment of occupier	<p>If any person unlawfully deprives the tenant of her/his occupation of a dwelling house s/he shall be guilty of an offence and proceedings may be instituted by the district council.</p> <p><i>The definition of harassment in the Rent Order states that the acts involved must have been calculated to interfere with the tenant's peace or comfort. This has been amended to refer to actions likely to interfere with the tenant's peace or comfort.</i></p>

Clean Neighbourhoods & Environment Act (Northern Ireland) 2011

Article	Description	Extent of Enforcement Action
65	Statutory Nuisances	<p>Where the council has served an Abatement Notice on investigating and finding that a Statutory Notice exists, the landlord or tenant will have committed an offence by failing to comply with the particulars of this notice.</p> <p>The council may find a Statutory Nuisance* exists in the following or similar circumstances</p> <ul style="list-style-type: none"> • premises is prejudicial to health or a nuisance • smoke emitting from premises is prejudicial to health or a nuisance • fumes or gases emitting from premises are prejudicial to health or a nuisance • an animal kept in a state or manner that is causing nuisance or prejudicial to health • any deposit or accumulation prejudicial to health or a nuisance • noise emitting from premises that is prejudicial to health or a nuisance • any watercourse that is a nuisance or prejudicial to health • overcrowding in premises which causes a nuisance or is prejudicial to health • artificial light which causes a nuisance or is prejudicial to health • any other matter which the council believes to be prejudicial to health or causing a nuisance. <p>Where the council is satisfied that a Statutory Nuisance exists or is likely to occur or recur, the council may serve an Abatement Notice. The Notice shall be served on the person responsible for the nuisance or, if that person cannot be found, on the owner.</p>

*This list is for guidance only. Specific information on what constitutes a Statutory Nuisance can be found in Article 63 of the Clean Neighbourhoods & Environment Act (NI) 2011